

# Order

Michigan Supreme Court  
Lansing, Michigan

June 15, 2011

Robert P. Young, Jr.,  
Chief Justice

142287

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

DONALD T. McCUE, individually and as the  
conservator of the ESTATE OF DEBRA K.  
McCUE,

Plaintiff-Appellee,

v

SC: 142287  
COA: 294661  
Mackinac CC: 08-006594-NO

O-N MINERALS (MICHIGAN) COMPANY,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the November 4, 2010 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed whether the Court of Appeals erred when it reversed the grant of summary disposition to the defendant by concluding: (1) as to the plaintiff's negligence claim, that a reasonable trier of fact could find that the defendant owed a duty to the plaintiff because the defendant had used the State highway in a way that caused the defect at issue or increased the hazard posed by the defect; and (2) that the plaintiff stated a claim for public nuisance.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 15, 2011

*Corbin R. Davis*

Clerk